

**GABROY LAW OFFICES**  
170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012  
(702) 259-7777 FAX: (702) 943-1936

GABROY LAW OFFICES  
Christian Gabroy (#8805)  
Justin A. Shiroff (#12869)  
The District at Green Valley Ranch  
170 South Green Valley Parkway, Suite 280  
Henderson, Nevada 89012  
Tel (702) 259-7777  
Fax (702) 259-7704

Alan J. Reinach, Esq. of counsel, *pro hac vice pending*  
CHURCH STATE COUNCIL  
2686 Townsgate Rd  
Westlake Village, CA 91361  
Telephone: (805)-413-7398  
Facsimile: (805)-497-7099  
Email: [ajreinach@churchstate.org](mailto:ajreinach@churchstate.org)

Attorneys for Plaintiff DANIELA RIVAS

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DANIELA RIVAS;

Plaintiff,

vs.

CAESARS ENTERPRISE SERVICES,  
LLC;

Defendant.

Case No.:

**COMPLAINT**

**(Jury Trial Requested)**

1. Religious Discrimination  
in Violation of Title VII  
of the Civil Rights Act of 1964
2. Failure to Reasonably Accommodate  
Plaintiff's Religion in Violation of Title  
VII of the Civil Rights Act of 1964

Plaintiff DANIELA RIVAS alleges as follows:

**GABROY LAW OFFICES**  
170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012  
(702) 259-7777 FAX: (702) 943-1936

## PARTIES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
1. Plaintiff DANIELA RIVAS [hereinafter “RIVAS”] was employed in the housekeeping department of CAESARS PALACE by CAESARS ENTERPRISE SERVICES, LLC. At all times relevant herein, Plaintiff is an employee protected by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.* and is a member of a protected class based on her religion – Seventh-day Adventist.

2. Defendant CAESARS ENTERPRISE SERVICES, LLC [hereinafter “CAESARS”] is an employer as defined by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.*. With respect to Plaintiff’s claims under the Civil Rights Act of 1991, 42 U.S.C. § 1981a, Defendant is an employer of more than 500 persons subject to that statute.

## JURISDICTION

3. This action is brought to remedy religious discrimination against Plaintiff Rivas. This action is authorized and instituted pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42.U.S.C. §§ 2000e-(j), 2000e-2 and 2000e-3(a); the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

4. Jurisdiction of this Court is invoked pursuant to Title 28 U.S.C. §§ 1331, 1337 and 1343. Jurisdiction is founded upon the existence of a deprivation of Federal Civil Rights, a substantial Federal question, and in the context of employment, a subject of commerce.

5. Venue is proper in the District of Nevada pursuant to 42 U.S.C. § 2000e-5(f)(3) because Plaintiff’s claim for relief arose out of her employment by Defendants in Clark County, Nevada, where all relevant events and omissions supporting Plaintiff’s claims for relief occurred.

6. Plaintiff timely filed a charge of discrimination alleging religious discrimination and retaliation with the United States Equal Employment Opportunity Commission [“EEOC”]. Plaintiff received a right-to-sue letter from

1 the EEOC on August 19, 2019, and has therefore exhausted her administrative  
2 remedies and files this complaint within ninety (90) days of receipt of her EEOC  
3 right-to-sue letter.

4 **Demand for Jury Trial**

5 7. Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the  
6 Federal Rules of Civil Procedure.

7 **FACTUAL ALLEGATIONS**

8 8. Plaintiff Rivas was hired to work in the housekeeping department at Caesars  
9 Palace in or around September, 2017.

10 9. Rivas is a member of the Seventh-day Adventist Church and observes the  
11 Sabbath from Friday sundown to Saturday sundown as a day of rest and worship.

12 10. One of the important teachings of her church is to observe the Sabbath as a  
13 day of rest during which time secular work is not to be performed. Seventh-day  
14 Adventists believe that the obligation to refrain from secular work on the Sabbath  
15 was established by the Creator, not by the church, and that individuals are  
16 responsible to God for their obedience or disobedience.

17 11. Sabbath observance is important to Seventh-day Adventists for many  
18 reasons. The two primary reasons are: 1) that God rested on the Sabbath after He  
19 created the world and He reminds man to honor Him as the Creator by observing  
20 the Sabbath, as stated in the Ten Commandments [See Genesis 2:2-3; Exodus 20:8-  
21 11; Jeremiah 17:22]; and 2) that Jesus rested on the Sabbath when He came to  
22 show man how to live, and after He redeemed mankind by His death He asks  
23 mankind to observe the Sabbath as a sign that mankind is sanctified from sin [See  
24 Exodus 31:13; Isaiah 56:2; Ezekiel 20:12-20; Mark 15:42-44; Luke 23:54-56; and  
25 John 19:31].

26 12. Unlike most other Christian churches, members of the Seventh-day  
27 Adventist Church celebrate the Sabbath from sundown on Friday until sundown on  
28

1 Saturday.

2 13, Observance of the Sabbath is reflected in the name of the church, i.e.,  
3 “Seventh-day,” and is included among the church’s fundamental beliefs, listed as  
4 number 20:

5 The beneficent Creator, after the six days of Creation, rested on the  
6 seventh day and instituted the Sabbath for all people as a memorial of  
7 Creation. The fourth commandment of God’s unchangeable law  
8 requires the observance of this seventh-day Sabbath as the day of rest,  
9 worship, and ministry in harmony with the teaching and practice of  
10 Jesus, the Lord of the Sabbath. The Sabbath is a day of delightful  
11 communion with God and one another. It is a symbol of our  
12 redemption in Christ, a sign of our sanctification, a token of our  
13 allegiance, and a foretaste of our eternal future in God’s kingdom. The  
14 Sabbath is God’s perpetual sign of His eternal covenant between Him  
15 and His people. Joyful observance of this holy time from evening to  
16 evening, sunset to sunset, is a celebration of God’s creative and  
17 redemptive acts. (Gen. 2:1-3; Ex. 20:8-11; Luke 4:16; Isa. 56:5, 6;  
18 58:13, 14; Matt. 12:1-12; Ex. 31:13-17; Eze. 20:12, 20; Deut. 5:12-15;  
19 Heb. 4:1-11; Lev. 23:32; Mark 1:32.)

20 14. Rivas was interviewed for her job by Neide Marzola, a Housekeeping  
21 Manager for Caesars Palace. During the interview, Plaintiff Rivas informed  
22 Marzola that she is a Seventh-day Adventist who does not work on Saturdays due  
23 to her religion.

24 15. Upon information and belief, Marzola understood what Rivas told her, and  
25 hired her anyway.

26 16. Rivas passed her training and probation and began to be scheduled more  
27 frequently. She did not have any guaranteed number of hours and worked only  
28 part time.

17. Beginning around April, 2018, Caesars began to call Rivas to work more  
frequently, and scheduled her regularly to work on Saturdays.

18. Rivas provided a letter from her pastor to the person in charge of scheduling,

1 to inform her that she was requesting not to be scheduled to work on Saturdays.

2 19. Despite Rivas' efforts to obtain a religious accommodation, Defendant  
3 Caesars continued to regularly schedule Rivas to work on Saturdays, in violation of  
4 her religious beliefs and observance.

5 20. When Rivas did not work as scheduled on Saturdays, she was eventually  
6 charged with a violation of the attendance policy, and suspended on June 1, 2018.

7 21. Effective on or about June 13, 2018, Defendant Caesars terminated Rivas for  
8 not working as scheduled on Saturdays, in violation of its attendance policy.

9 **FIRST CAUSE OF ACTION**

10 Religious Discrimination in Violation of  
11 Title VII of the Civil Rights Act of 1964

12 22. Plaintiff incorporates by reference all of the above paragraphs, as though fully  
13 set forth herein.

14 23. Title VII of the Civil Rights Act, as amended, 42 U.S.C. Section 2000e et. seq.  
15 makes it unlawful for an employer to discriminate against an employee on the basis  
16 of religion.

17 24. Plaintiff is a member of a protected class, based on her religion – Seventh-day  
18 Adventist, and based on her religious practice – Sabbath observance.

19 25. After Defendant was notified of Plaintiff's religious observance of Sabbath,  
20 Defendant terminated Plaintiff because of her unavailability to work during that time.

21 26. As a direct and proximate result, Plaintiff has suffered harm in the form of  
22 past and future lost wages and benefits and other pecuniary loss, including, but not  
23 limited to, costs associated with finding other employment.

24 27. As a further direct and proximate result of Defendant's discriminatory  
25 actions against Plaintiff, as alleged above, Plaintiff has been harmed in that she has  
26 suffered humiliation, mental anguish, and emotional and physical distress, and has  
27 been injured in mind and body, in an amount according to proof.

28 28. Plaintiff also seeks reasonable attorneys' fees, pursuant to 42 U.S.C. § 2000e-

1 5(k).

2 29. Defendant's conduct was despicable and the acts herein alleged were  
3 malicious, fraudulent and oppressive, and were committed with an improper and evil  
4 motive to injure Plaintiff, amounting to malice and in conscious disregard of  
5 plaintiff's rights. Plaintiff is thus entitled to recover punitive damages from  
6 Defendant in an amount according to proof.

7  
8 **SECOND CAUSE OF ACTION**

9 **Failure to Reasonably Accommodate Plaintiff's Religion**  
10 **in Violation of Title VII of the Civil Rights Act of 1964**

11 30. Plaintiff incorporates by reference all of the above paragraphs, as though fully  
12 set forth herein.

13 31. Title VII imposes an obligation upon employers to provide reasonable  
14 accommodation for the religious beliefs and practices of its employees.

15 32. This obligation is effective when an employer has notice of the religious belief  
16 or practice that may require accommodation.

17 33. As alleged, Plaintiff Rivas herself notified both the hiring manager in her  
18 initial job interview, and later, the person scheduling Rivas to work, that she does not  
19 work on Saturdays because of her religion.

20 34. Defendant simply ignored the information obtained from Rivas regarding her  
21 need for religious accommodation and fired her.

22 35. In so doing, Defendant violated its obligation to make good faith efforts to  
23 provide Rivas reasonable religious accommodation.

24 36. As a direct and proximate result, Plaintiff has suffered harm in the form of  
25 past and future lost wages and benefits and other pecuniary loss, including, but not  
26 limited to, costs associated with finding other employment.

27 37. As a further direct and proximate result of Defendant's discriminatory  
28 actions against Plaintiff, as alleged above, Plaintiff has been harmed in that she has

1 suffered humiliation, mental anguish, and emotional and physical distress, and has  
2 been injured in mind and body, in an amount according to proof.

3 38. Plaintiff also seeks reasonable attorneys' fees, pursuant to 42 U.S.C. § 2000e-  
4 5(k).

5 39. Defendant's conduct was despicable and the acts herein alleged were  
6 malicious, fraudulent and oppressive, and were committed with an improper and evil  
7 motive to injure Plaintiff, amounting to malice and in conscious disregard of  
8 plaintiff's rights. Plaintiff is thus entitled to recover punitive damages from  
9 Defendant in an amount according to proof.

### 10 11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff Daniela Rivas respectfully requests:

13 1. Compensatory economic damages including, but not limited to, back pay,  
14 front pay, lost value of benefits, in an amount according to proof at trial, including  
15 pre-judgment interest.

16 2. Compensatory non-economic damages including, but not limited to, past and  
17 future pain, suffering and emotional distress, in an amount according to proof at  
18 trial.

19 3. Injunctive relief ordering Defendant to reinstate Plaintiff Samantha Landers  
20 to her former position, with all the accrued benefits to which she would have  
21 become entitled; and including, but not limited to, court ordered training on  
22 prevention of discrimination, court ordered prohibition on engaging in future  
23 discrimination, along with any other appropriate injunctive relief according to  
24 proof at trial.

25 4. Declaratory relief in the form of a declaration that Plaintiff Landers was  
26 terminated for unlawful discriminatory reasons, along with any other appropriate  
27 declaratory relief according to proof at trial.  
28

1       5. Order Defendant to pay Plaintiff's reasonable attorney's fees and costs.

2       6. Order Defendant to pay Plaintiff punitive damages for its despicable  
3 conduct.

4       7. Grant such further relief as this Court deems just and proper.

5  
6 September 17, 2019

7  
8                   Respectfully submitted,

9                   *s/ Christian Gabroy*

10                   \_\_\_\_\_  
11                   Christian Gabroy, Esq.  
12                   Justin A. Shiroff, Esq.  
13                   The District at Green Valley Ranch  
14                   170 South Green Valley Parkway  
15                   Suite 280  
16                   Henderson Nevada 89012  
17                   Attorneys for Plaintiff Daniela Rivas

GABROY LAW OFFICES  
170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012  
(702) 259-7777 FAX: (702) 943-1936